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CONTINUED PROSECUTION APPLICATION (CPA)

CHECK BOX, if applicable
DUPLICATE Submit an original, and a duplicate for fee processing (Only for Continuation or Divisional applications under 37 CFR 1.53(d) Attorney Docket No. 28724/35321 Address to: of Prior Application **Box CPA** First Named Inventor Mark E. Gardiner **Commissioner for Patents** Examiner Name Not Wet Assigned Washington, DC 20231 Group Art Unit Not Yet Assigned Express Mail Label No. EU424132877US-1 This is a request for a | x | continuation or divisional application under 37 CFR 1.53(d) (continued prosecution application (CPA)) of prior application number 09/415,471 filed on October 8, 1999 , entitled OPTICAL ELEMENT HAVING PROGRAMMED OPTICAL STRUCTURES NOTES FILING QUALIFICATIONS: The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51 (b), or (2) the national stage of an international application in compliance with 35 U.S.C 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000). C-I-P NOT PERMITTED: A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53 (d), but must be filed under 37 CFR 1.53(b). EXPRESS ABANDONMENT OF PRIOR APPLICATION: The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned. ACCESS TO PRIOR APPLICATION: The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket. 35 U.S.C. 120 STATEMENT: In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such recuest, 37 CFR 1.78(a). Enter the unentered amendment previously filed on under 37 CFR 1.116 in the prior nonprovisional application. A preliminary amendment is enclosed. 2. This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4). 3. DELETE the following inventor(s) named in the prior nonprovisional application: The inventor(s) to be deleted are set forth on a separate sheet attached hereto. A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.

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Copies of IDS Citations

PTO-1449

Information Disclosure Statement (IDS) is enclosed:

PTO/SB/29(10-00)

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	* Reissue claims in e ** Reissue independe			tent.		TOTAL	. = \$	834.00			
6. S	mall entity status:	Applicant of	claims small	entity status. See 3	7 CFR	1.27.					
7. The 0	Commissioner is he	ereby autho	orized to cre	dit overpayments or	charge	the follow	ving fee	s to			
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10. Applicant requests suspension of action under 37 CFR 1.103(b) for a period of months											
(not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed. 11. New Attorney Docket Number, if desired											
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**or number previously paid, if greater; For Reissues, see above							(4)		
SUBMITTED BY						Complete a	(if applicable)		
Name (Print/Type) Anthony G. Sitko		ration No ey/Agent)		,278			(312) 474-6	602	
Signature)	-			Date	February 5,	200	3
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I hereby certify that this correspond	lence is being deposited with the U.S. P	Postal Service as Express Mail, Airbill No. EU424132877US ington, DC 20231, on the date shown below.
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Dated: February 5, 2003

Signature: XICham

(Richard Zimmermann)

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EU424132877US, in an envelope addressed to: Box Non-Fee Amendment Commissioner for Patents, Washington

Dated: February 5, 2003

Signature: A Challed

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Docket No.: 28724/35321

(PATENT).

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Mark E. Gardiner et al.

Application No.: Continuation of Serial No. 09/415,471

Group Art Unit: Not Yet Assigned

Filed: Herewith

Examiner: No Yet Assigned

For: OPTICAL ELEMENT HAVING

PROGRAMMED OPTICAL STRUCTURES

FIRST PRELIMINARY AMENDMENT

Box Non-Fee Amendment

Commissioner for Patents Washington, DC 20231

Dear Sir:

Prior to examination of the above-referenced application, please enter the following amendment:

In the Specification

Prior to the first line of the Specification, please insert the following paragraph.

Cross-Reference to Related Applications

This application is a continuation application of United States Application Serial No. 09/415,471, now abandoned, the disclosure of which is hereby expressly incorporated herein by reference.

In the Claims

Please cancel claims 1-27, without prejudice.

Please add new claims 28-47 as follows: